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10  
11 UNITED STATES DISTRICT COURT  
12 EASTERN DISTRICT OF WASHINGTON  
13

14 In re:  
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16 AMERICANWEST  
17 BANCORPORATION,  
18

19 Debtor.  
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21 CAPPELLO CAPITAL CORP.,  
22

23 Plaintiff,  
24

25 vs.  
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27 AMERICANWEST BANK, et al.,  
28

29 Defendants.  
30

) No. CV-11-0449-LRS  
)  
) Bankruptcy Court Case No.  
) 10-06097-PCW11  
)  
) Adv. Proceeding No.  
) 11-80323-PCW  
)  
)  
) ORDER VACATING TEMPORARY  
) RESTRAINING ORDER (DKT. 173)  
) AND EXONERATING BOND  
)  
)  
)  
)  
Defendants.)

31 This matter came before the Court on AmericanWest Bank's Motion to  
32 Vacate Temporary Restraining Order (ECF No. 168) and Exonerate Bond. (ECF  
33 No. 183).  
34

35  
36 ORDER - 1  
37 DWT 24839222v1 0093414-000003

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**NOW, THEREFORE:**

1. The Court finds the Motion to be well taken, and consistent with the parties' full and final settlement of this cause, and the Motion, ECF No. 183, is GRANTED;

2. The Temporary Restraining Order Restraining Payment and Delivery of MAG Stock Warrants Fee Payment (ECF No. 168), is hereby VACATED IN ITS ENTIRETY; and

3. The \$10,000.00 cash bond posted by AmericanWest Bank on or about August 21, 2014, in support of the Temporary Restraining Order, is hereby EXONERATED, and the Clerk is directed to refund those funds to AmericanWest Bank.

ORDERED this 22nd day of September, 2014.

*s/Lonny R. Suko*

Lonny R. Suko  
Senior United States District Court

## Presented by:

**DAVIS WRIGHT TREMAINE LLP**  
Attorneys for AmericanWest Bank

By: /s/ Craig Miller  
Craig Miller, WSBA #10239  
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